

REMARKS

The Office Action dated June 14, 2005 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 10, 19 and 21 have been amended and claims 28-30 have been added. No new matter has been added, and no new issues are raised which require further consideration and/or search. Claims 1-19 and 21-30 are submitted for consideration.

Claim 21 was objected to as depending on a cancelled claim. Claim 21 has been amended. Thus, Applicants request that this objection be withdrawn.

Claims 1-5, 7-9, 10-15, 17-18, 19-20- and 21-27 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,542,466 B1 to Pashtan et al. The rejection is traversed as being based on a reference that neither teaches nor suggests the novel combination of features clearly recited in independent claims 1, 10 and 19.

Claim 1, upon which claims 2-9 depend, recites a method of operating a differentiated service network having a plurality of routers. The method includes determining an operating condition at a first router and propagating an indication of the operating condition at the first router to a second router. The method also includes adjusting at least one parameter of constraint of incoming traffic flow based on the indication. The adjusting includes performing parameter mapping and resource usage calculation.

Claim 10, upon which claims 11-18 depend, recites a method of operating a differentiated service network having a plurality of routers. The method includes receiving, at a second router, an indication of an operating condition at a first router and adjusting at least one parameter of a constraint of incoming traffic flow based on the indication of the operating condition. The adjusting includes performing parameter mapping and resource usage calculation.

Claim 19, upon which claims 21-27 depend, recites a differentiated service network including a first router and a second router coupled to the first router. The first router being associated with a first entity to determine an operating condition at the first router, wherein the first entity associated with the first router propagates an indication of the operating condition at the first router device to a second router. The service network also includes means adjusting at least one parameter of constraint of incoming traffic flow based on the indication, wherein the adjusting means includes means for performing parameter mapping and resource usage calculation.

As outlined below, Applicant submits that the cited reference of Pashtan et al. does not teach or suggest the all of the elements of the presently pending claims

Pashtan et al. teaches a communication network that connects a plurality of users by creating a plurality of communication traffic flows through a plurality of network elements. The communication flows may include a plurality of micro communication flows. A network element may detect congestion of a micro communication flow and may also detect a communication flow priority associated with the congested micro

communication flow. As such, a second network element may change the first communication traffic flow priority from a first level to a second level. The first network element may communicate with the second network element to inform the second network element of a request for change of the communication traffic flow priority. See figure 4 and Col. 4, line 31-Col. 5, line 11.

Applicants submit that Pashtan et al. fails to teach or suggest each of the elements of claims 1, 10 and 19. Claims 1, 10 and 19 , in part, recite adjusting at least one parameter of constraint of incoming traffic flow based on the indication, wherein the adjusting means includes performing parameter mapping and resource usage calculation. Applicants submits that there is simply no teaching or suggestion in Pashtan et al. of performing parameter mapping and resource usage calculation during adjustment of at least one parameter of constraint of incoming traffic flow based on the indication as recited in claims 1, 10 and 19. Therefore, Applicants respectfully assert that the rejection under 35 U.S.C. §102(e) should be withdrawn because Pashtan et al. fails to teach or suggest each feature of claims 1, 10 and 19 and hence, dependent claims 2-5, 7-9, 11-15, 17-18, 20 and 21-27 thereon.

Claims 6 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pashtan et al. in view of U.S. Patent No. 6,188,698 B1 to Galand. The rejection is traversed as being based on references that neither teach nor suggest the novel combination of features clearly recited in independent claims 1 and 10.

Galand discloses a packet scheduling system for use in a switching node of a switching network. Incoming packets are enqueued in connection queues, each of which is classified. QoS priority is also identified for each connection. Packets are dequeued for transmission as a function of priority class and connection class. See at least the Abstract.

Claim 6 depends on claim 1, discussed above, and thus incorporates all of the elements of claim 1. Claim 16 depends on claim 10, discussed above, and thus incorporates all of the elements of claim 10. Galand does not cure any of the deficiencies of Pashtan et al. Specifically, Galand does not teach or suggest performing parameter mapping and resource usage calculation during adjustment of the traffic flow as recited in claims 1 and 10. Thus, Applicants respectfully assert that the rejection under 35 U.S.C. §103(a) should be withdrawn because neither Galand nor Pashtan et al., whether taken singly or combined, teaches or suggests each feature of claims 1 and 10 and hence, dependent claims 6 and 16 thereon.

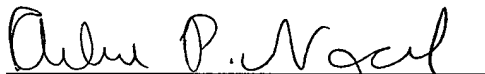
As noted previously, claims 1-30 recite subject matter which is neither disclosed nor suggested in the prior art references cited in the Office Action. It is therefore respectfully requested that all of claims 1-30 be allowed and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Arlene P. Neal", written over a horizontal line.

Arlene P. Neal
Registration No. 43,828

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

APN:kmp